

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 11-28 are currently pending. Claims 22-28 are hereby added. Claims 16-22 are hereby cancelled. Claims 11, 13, 23, 25, and 27 are independent. Claims 13 and 15 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **REMARKS**

The examiner rejected claims 11-12 and 16-19 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,530,519 (Suzuki). The examiner asserts that every element of claims 11-12 and 16-19 is disclosed in Suzuki (col. 6, lines 29-53; col. 10, lines 27-36, lines 44-56). Suzuki, however, does not disclose the “an ink kind obtaining means which obtains the kind of the ink, and an ink residue calculating means which corrects the ink discharge per unit working time of the ink supply pump or the ink discharge of the ink supply pump per unit rotation of the drive motor on the basis of the kind of the ink obtained by the ink kind obtaining means, and calculates the ink residue on the basis of the corrected ink discharge” limitations recited in claims 11 and 12. Moreover, Suzuki does not disclose a relationship between the kind of ink and the calculation of the amount of ink residue. Furthermore, Suzuki fails to teach or suggest correcting the ink discharge per unit working time of the ink supply pump or the ink discharge of the ink supply pump per unit rotation of the drive motor on the basis of the kind of the ink.

The examiner also rejected claims 13-15 and 20-22 under 35 U.S.C. § 103(a) as obvious over Suzuki in view of U.S. Patent No. 6,517,175 (Kanaya). Claim 13 has been amended to incorporate the limitation contained in claim 14 and claim 15 has been amended to depend from

claim 13 instead of claim 14. Suzuki fails to teach or suggest the “an ink kind obtaining means which obtains the kind of the ink, wherein the ink residue calculating means corrects the ink discharge per unit working time on the basis of the kind of the ink obtained by the ink kind obtaining means and the working environmental temperature, and calculates the ink residue on the basis of the corrected ink discharge” limitations of newly amended claim 13. Moreover, Suzuki does not disclose a relationship between the kind of ink and the calculation of the amount of ink residue as stated above. Furthermore, Kanaya also fails to teach or suggest these limitations of claim 14.

Claims 16-22 are cancelled. Claims 23-28 are added. Newly added claim 23 recites the following limitations; “an ink kind obtaining means which obtains the ink kind data, and an ink residue calculating means which corrects the ink discharge per unit working time of the ink supply pump or the ink discharge of the ink supply pump per unit rotation of the drive motor on the basis of the kind data obtained by the ink kind obtaining means, and calculates the ink residue on the basis of the corrected ink discharge,” which Suzuki and Kanaya fail to teach or suggest, as discussed above. Claim 24, which depends from claim 23, also recites these limitations and is not taught or suggested by Suzuki or Kanaya.

Newly added claim 25 recites the following limitations; “an ink kind obtaining means which obtains the parameter, and an ink residue calculating means which corrects the ink discharge per unit working time of the ink supply pump or the ink discharge of the ink supply pump per unit rotation of the drive motor on the basis of the parameter obtained by the ink kind obtaining means, and calculates the ink residue on the basis of the corrected ink discharge,” which Suzuki and Kanaya fail to teach or suggest, as discussed above. Claim 26, which depends from claim 25, also recites these limitations and is not taught or suggested by Suzuki or Kanaya.

Newly added claim 27 recites the following limitations; “an ink kind obtaining means which obtains the parameter, and an ink residue calculating means which corrects the ink discharger per unit working time of the ink supply pump on the basis of the parameter, and calculates the ink residue on the basis of the corrected ink discharge,” which Suzuki and Kanaya fail to teach or suggest, as discussed above. Claim 28, which depends from claim 27, also recites these limitations and is not taught or suggested by Suzuki or Kanaya.

**CONCLUSION**

Reconsideration and withdrawal of the rejections and objections of the application are respectfully requested in view of the amendments and remarks presented herein.

In view of the foregoing, favorable consideration of the claim is earnestly solicited. If however, there is still an outstanding issue; the Examiner is invited to contact the undersigned for its prompt attention.

The Commissioner is authorized to charge any additional fee that may be required to  
Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

A handwritten signature in black ink, appearing to be 'P. Levy', written over a horizontal line.

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